

## **REMARKS**

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks. Claims 3-5 and 15 have been canceled and claims 1, 2, 6, 8, 11, and 16 have been amended. Claims 1, 2, 6-14, and 16-20 remain in the case.

The applicant appreciated the thoroughness of the review by Examiner Gary E. Elkins and the indication of allowable subject matter.

## **DETAILED ACTION**

### **Claim Rejections 35 USC 112**

The double inclusion of an element into claim 2 has been corrected. Reconsideration is respectfully requested.

Claim 8 has been correctly amended to recite, "an end of one of said four sidewalls." Reconsideration is respectfully requested.

Claim 11 has been correctly amended to recite, "one of said four sidewalls." Reconsideration is respectfully requested.

Claim 15 has been amended to correct the lack of antecedent basis in line 5 and that which was unclear on lines 3-5. Then, as is described in greater detail hereinafter, the limitations of "amended claim 15" have been included in base claim 6 and claim 15 has been canceled.

Claim 15, prior to it being canceled but after being amended to correct the above errors is shown below so that the Examiner can more readily follow the changes that have been made and which are now included in base claim 6, as follows, "15. (canceled): The folding serving tray of claim 6 wherein said extension of said center panel includes a beverage opening adapted to receive said beverage therein and including a beverage support panel that is hingedly attached at ~~each~~ one end of said beverage support ~~member~~ panel to one end of a first beverage support arm and wherein said beverage support panel is hingedly attached at an opposite end to one end of a second beverage support arm and wherein an opposite end of each of said first and second beverage support arms is hingedly attached to said extension, and wherein said beverage support panel is

adapted to be pivoted to a location that is below said beverage opening."

Accordingly, the rejections as applied to claim 15 (now included in base claim 6), are believed to be overcome and reconsideration is respectfully requested of these limitations as included in base claim 6.

Claim 3 has been canceled.

#### **Claim Rejections 35 USC 102 and 103**

Claims 1 and 2 have been amended to also recite that the beverage support member is disposed, "and under a plane of said center panel and wherein said beverage support member is fixedly attached at opposite ends thereof to said beverage extension section."

Neither Lim '217, Correll '932, Coe '875, or Scheinbaum et al. '197 fairly teach, suggest, or otherwise disclose a beverage support member that is fixedly attached at opposite ends thereof (vs. being detachable at one end thereof) to a beverage extension member *when the beverage extension member is disposed outside of the three dimensional space area as*

*provided by the upright panels, as is recited by the combination of elements of claims 1 and 2.*

The currently claimed structure provides the significant benefits of increased strength, structural durability, and especially easier assembly from a folded position into a position adapted for use, because there are no tabs of the beverage support member that need to be attached elsewhere to the beverage extension member. Also, there are no tabs to break off and allow the beverage to fall through the opening.

These claimed elements provide substantial benefits over the known prior art. As they are absent from any of the cited references, they would also be absent from any applied combination, thereof.

Accordingly, the rejection of claims 1 and 2 are believed to be overcome and reconsideration thereof is respectfully requested.

Claims 3-5 have been canceled.

**Allowable Subject Matter**

The limitations of allowable claim 15 have been combined with base claim 6, after overcoming the rejections under 35 USC 112. Claim 15 has been canceled. There were no intervening claims.

Accordingly, base claim 6 is believed to be in condition of allowance. Remaining claims 7-14 and 16-20 depend from claim 6 and are also believed to be in condition of allowance. Claims 8 and 11 have been amended to overcome the rejections under 35 USC 112. Claim 16 has been amended to properly depend from instant claim 6.

Accordingly, claims 6-14 and 16-20 are believed to be in condition of allowance, pursuant to the Examiner's indication of allowable subject matter. Reconsideration is respectfully requested.

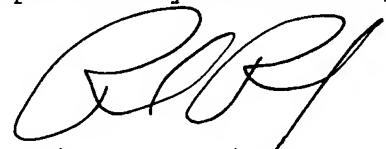
### **Conclusion**

Certain of the prior art made of record and not relied upon that is considered pertinent to the applicant's disclosure has been reviewed by the undersigned, but are deemed no more relevant than the applied references.

As all remaining claims 1, 2, 6-14, and 16-20 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

The applicant appreciates the opportunity to communicate by telephone with the Examiner if necessary and the PAIR information, as provided. Please continue to direct all correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RAR', is written over the typed name.

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